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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,157	09/04/2001	Stefan Reh	076326-0194	9080

22428 7590 08/27/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/27/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,157

Applicant(s)

REH ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on 6/11/03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer.

Bauer discloses a method of forming a weakening area in an airbag cover comprising: providing a cutting support (Fig. 7); providing a cutter having a blade 72; placing the airbag with the decorative layer 38 facing down on the support; and cutting a tear line of a predetermined pattern (Fig.8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Towler et al. (foreign patent no. 2, 205, 284).

Bauer discloses the method of forming a weakening area in an airbag cover substantially as claimed except for applying a predetermined force to the area of the cover and maintaining the cover against the support with a vacuum. However, Towler teaches the step of applying a predetermined force to the area of the cover and maintaining the cover against the support with a vacuum for the purpose of precisely positioning and supporting the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bauer's cutting support by providing the vacuum as taught by Towler in order to obtain a precise position and support for the cover.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Pilkington (4, 9020, 495).

Bauer discloses the method of forming a weakening area in an airbag cover substantially as claimed comprising: providing a cutting support; providing a cutter having a blade Fig. 7; placing the airbag with the decorative layer facing down on the support; and cutting a tear line of a predetermined pattern (Fig.8). Bauer does not show an oscillating cutter. However, Pilkington teaches the use of an oscillating cutter 40 for the purpose of obtaining a better cut of the product. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bauer by providing an oscillating cutter in order to obtain a clean cut.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of foreign patent no. DE 4424686 A1.

Bauer discloses the method of forming a weakening area in an airbag cover substantially as claimed as noted in paragraph 3, above, except for an end having a semicircular shape. However, foreign patent '686 teaches the use of an end having a semicircular shape 18, 20 for the purpose of preventing the tearing action that occurs along the breaking line from being extended beyond the end of the breaking line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bauer's device by providing the end having a semicircular shape as taught by foreign patent'686 in order to prevent the tearing action which occurs along the breaking line from being extended beyond the end of the breaking line.

#### ***Response to Arguments***

8. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues a method is not taught that includes the step of "cutting a tear line ... while controlling the depth of cut relative to the support to precisely control the residual thickness of the tear line". However, Bauer teaches the step of "cutting a tear line ... while controlling the depth of cut relative to the support to precisely control the residual thickness of the tear line". Figure 7 illustrates the depth of cut is relative to the surface of the skin and the cutting support because all elements are connected. Also, the claims are not citing the element or elements that control the depth of cut in direct relation to the support. In response to applicant's argument that there is no

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suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to combine so can be found in the knowledge generally available to one of ordinary skill in the art. Also, applicant has not disclosed that the oscillating cutter solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with or without the oscillating cutter.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pilkington is cited to related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ofs  
August 25, 2003

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700